

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

VINCENT THOMAS,

Plaintiff

vs.

FREDRIC ROSEMEYER, Superintendent,
in his individual capacity, MARDI
HUNSBERGER, Deputy, in her ,
individual and official capacity,
STEVEN GATES, Deputy, in his
individual and official capacity,
RONALD CHERO, Captain of Security,
in his individual and official
capacity, MICHAEL TURNER, Security
Lieutenant, in his individual and
official capacity, JOANN CROSS,
Educational Guidance Counselor,
RAYMOND SOBINA, Superintendent of
SCI-Somerset, in his individual and
official capacity, GERALD ROZUM,
Deputy, in his individual and
official capacity, M. LARRY AMENTI,
Program Manager, in his individual
and official capacity, DANIEL
GEHLMAN, Major, in his individual
and official capacity, ROBERT
BITNER, Chief Hearing Examiner, in
his individual and official
capacity, BEN ANSELL, Hearing
Examiner, in his individual and
official capacity,

Defendants

Civil Action No. 05-32J

Judge Kim R. Gibson/
Magistrate Judge Lisa
Pupo Lenihan

MEMORANDUM ORDER

The above-captioned prisoner civil rights complaint was
received by the Clerk of Court on January 19, 2005, and was

referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report and Recommendation (Doc. No. 37), filed on January 18, 2006, recommended that the complaint be dismissed pursuant to the PLRA for failure to state a claim. Service was made on the Petitioner at **SCI Greene, 175 Progress Drive, Waynesburg, PA 15370**, and on counsel of record for the Defendants. The parties were informed that in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrates, that they had ten (10) days to file any objections. On January 30, 2006, Plaintiff filed Objections to the magistrate judge's Report and Recommendation. (Doc. No. 38). These objections have been found to be without merit. After review of the pleadings and the documents in the case, together with the Report and Recommendation and Petitioner's Objections, the following order is entered:

AND NOW, this 8th day of March, 2006;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is **DISMISSED**.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and

Recommendation (Doc. No. 37), filed on January 18, 2006 by
Magistrate Judge Lenihan, is adopted as the opinion of the court.

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is fluid and cursive, with the first name "Kim" and last name "Gibson" clearly legible, and "R." in the middle.

The Honorable Kim R. Gibson
United States District Court Judge

cc: Lisa Pupo Lenihan
UNITED STATES MAGISTRATE JUDGE

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